

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business and that Senators be allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING JANET HINOSTROZA

Mr. LEAHY. Mr. President, I want to bring to the attention of my colleagues a courageous Ecuadoran journalist who has been recognized by the Committee to Protect Journalists International Press.

Janet Hinostroza has anchored the investigative news show "30 Plus" for the past decade and hosted the news program "La Mañana de 24 Horas," both on the private Ecuadoran television channel Teleamazonas. She also hosts a radio program on 98.1 FM Mundo and is the local correspondent for Univision, while managing a production company specializing in journalistic programming and audiovisual products.

Ms. Hinostroza has attracted the wrath of the Ecuadoran authorities for reporting on such important issues as human and arms trafficking, the Ecuadoran police, corruption, and extrajudicial killings. She recently investigated a scandal involving a loan by a state-owned bank to a businessman who defaulted. I am informed that her reporting uncovered irregularities in the loan and connected the businessman to the then-head of Ecuador's central bank, who was President Rafael Correa's cousin. As a result, she received anonymous phone calls threatening her safety and she had to temporarily leave her television news program.

Teleamazonas, like many Ecuadoran news outlets that engage in reporting critical of the government, is regularly targeted with harassment by official censors. Ms. Hinostroza's program is required to designate regular time slots, legally reserved for reporting official information in times of crisis, to present presidential rebuttals to her reports, contrary to Ecuador's broadcast laws.

In recognition of Ms. Hinostroza's brave and important work and commitment to fighting for a free press, next month the Committee to Protect Journalists will award Ms. Hinostroza the International Award for Freedom of the Press.

Unfortunately, the harassment of Ms. Hinostroza is only one example of a steady deterioration of democratic principles in Ecuador. It is the responsibility of democratic governments to foster an environment of pluralism, and nothing is more basic to that than

public access to information from a free press. Instead, the Ecuadoran Government has carried out a relentless assault on the media, and recently it went a step further by restricting the autonomy of nongovernmental organizations.

A decree adopted in June creates burdensome new procedures for nongovernmental organizations, both Ecuadoran and international, to obtain legal status to operate in the country. Like a free press, civil society plays a crucial oversight role in any democratic society. The Ecuadoran decree is similar to what we have seen in other countries whose repressive governments are using laws and decrees to silence their critics.

I ask unanimous consent that excerpts from a recent report by Human Rights Watch about the Correa government's latest efforts to consolidate power and silence its critics be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Human Rights Watch, Aug. 12, 2013]

ECUADOR: CLAMPDOWN ON CIVIL SOCIETY

(WASHINGTON, DC).—Ecuador should revoke a presidential decree that grants far-reaching powers to the government to oversee and dissolve nongovernmental organizations, Human Rights Watch said today.

On June 4, 2013, President Rafael Correa adopted a decree that creates new procedures for Ecuadoran nongovernmental organizations to obtain legal status and requires international organizations to undergo a screening process to seek permission to work in Ecuador. The decree also grants the government broad powers to intervene in groups' operations. It gives the government authority, for example, to dissolve Ecuadoran groups for "compromis[ing] public peace."

"The Correa administration has damaged free speech, expending a lot of its energy focusing on the media, and now it's trying to trample on independent groups," said Jose Miguel Vivanco, Americas director at Human Rights Watch. "Officials can now essentially decide what groups may say or do, seriously undermining their role as a check on the government."

Correa presented a draft proposal of a similar decree in December 2010, but it was shelved after criticism from local and international groups.

Under the decree, the authorities are creating an electronic Unified System of Information of Social Groups, which would store documentation from organizations. Ecuadoran organizations are required to file a series of documents to obtain legal status and approval of their by-laws. Groups have one year from the publication of the decree on June 20 to present the required paperwork.

Government officials from ministries related to the work done by the group—for example, the Health Ministry if the group works on health-related topics—review the documentation and have the authority to grant or deny the group legal status. Once they obtain legal status, groups must inform authorities when they select directors and a legal representative and if they add or remove members. They must also provide the government with information about projects with international funding, and get government authorization to revise their by-laws.

The decree limits groups' ability to choose who can be a member or participant, undermining their right to free assembly, Human Rights Watch said. The decree imposes on Ecuadoran groups an obligation to respect the "right" of anyone who "due to their place of residency or having a specific labor, institutional, union, occupational, or professional qualification directly related to the objective or nature and/or purposes of the organization, is interested in participating in it." Groups with certain territorial coverage or those that are "the only ones in their location" may not reject people with a "legitimate interest" in participating.

The government officials who grant a group legal status have broad monitoring powers to make sure that it only carries out "authorized" work. Officials may dissolve a group if they consider the organization is "mov[ing] away from the objectives for which it was created," or if it is involved in activities that "compromise public peace" or "interfere with public policies that undermine national or external security of the state."

International groups seeking to work in Ecuador must request permission from the Technical Secretariat of International Cooperation, providing information on the "purposes and work they wish to carry out in the country." They have to provide documents that "demonstrate [their] legal existence," including their by-laws in Spanish. The government will then ask Ecuadoran embassies and consulates in countries where the international group operates for information about the "legality, solvency, and seriousness" of the organization. Based on this information, it will decide whether to sign an agreement with the international group to authorize it to work in Ecuador.

The decree also imposes vaguely defined prohibitions on international groups—for instance, they are not allowed to conduct activities that "undermine security and public peace." It also allows government officials to monitor a group's activities "to ensure the true fulfillment of its obligations" and to revoke the international agreement if they decide the group violates it.

On August 7, a lower court judge rejected a constitutional challenge filed by Fundamedios, an organization that monitors freedom of expression, against the decree. The group has filed an appeal, which remains pending before the courts.

Under international law, however, as part of their duty to promote and protect human rights, governments must ensure that human rights defenders are allowed to pursue their activities without reprisals, threats, intimidation, harassment, discrimination, or unnecessary legal obstacles. The Inter-American Court of Human Rights held in 2003 that "[r]espect for human rights in a democratic state depends largely on human rights defenders enjoying effective and adequate guarantees so as to freely go about their activities, and it is advisable to pay special attention to those actions that limit or hinder the work of human rights defenders."

The rights to freedom of expression and association may be subject to limitations, but the limitations must adhere to strict standards so that they do not improperly impede the exercise of those rights. Any restrictions should be "prescribed by law, necessary in a democratic society, and proportionate to the aim pursued" and should not "harm the principles of pluralism, tolerance and broadmindedness."

Article 16 of the American Convention on Human Rights states that the right of freedom of association "shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the